

Exhibit 5: Analysis of Defendants' "Webinar and Website-Related Fees"

Date	Name	Ds' Est. Time	Actual Time	Lodestar Rate	Fees at Lodestar Rate	Description	Notes
6/6/14	Nussbaum	2.0	0.2	\$610	\$122.00	Exchange emails with Mr. S. Caine re press issues; review email from [Redacted] re same; numerous communications with members re decision; email to [Redacted] re website updates; draft report to board providing more detailed comments re decision; phone conference with Ms. N. Matthews re press coverage; phone conference with Mr. R. Bordelon and Ms. W. Vitter of the Archdiocese of New Orleans re the decision and related issues; phone conference with Archbishop Lori re meeting times; phone conference with Ms. L. Weidinger re same; email to Archbishop Lori re Ms. L. Weidinger and Healthscope benefits; review email from the Archdiocese of Oklahoma re reporting; email to reporter Ms. J. Desmond re opinion; phone conference with Ms. J. Desmond re article; conference with Mr. E. Kniffin re procedural means for acquiring injunctive relief for future members; conference with Mr. B. Humphreys re possible stipulation; email to Mr. B. Humphreys providing case law re prior instances where DOJ made such stipulations; email to Archbishop Lori and Ms. N. Matthews re same; review press reports	
6/9/14	Nussbaum	2.0	0.2	\$610	\$950.00	Email to Ms. B. [Redacted] re posting decision on website; review Mr. E. Kniffin's memorandum re extending injunction to future members; review Mr. W. Mahaffey's comments re same; email to team re same; phone conference with Mr. I. Speir re CBA efficiency; review email from Mr. B. Humphreys declining proposed stipulation as to future members; email to Messrs. E. Kniffin and I. Speir re same and re conference call; email to Archbishop Lori and Ms. N. Matthews re same	
6/19/14	Nussbaum	2.8	0.5	\$610	\$305.00	Review decision adverse to [Redacted]; voice mail message to Ms. N. Matthews re court's expedition of briefing; phone conference with Ms. [Redacted] of the Archdiocese of [Redacted] re litigation issues related to the Catholic Benefits Association. Conference with Ms. L. Miller and Ms. A. Lappas re webinars; phone conference with [Redacted], counsel for the Diocese of [Redacted] re joining the CBA; phone conference with Ms. N. Matthews re communications with many prospective members and re developments in litigation	
6/22/14	Nussbaum	1.2	1.2	\$610	\$732.00	Prepare webinar slides for report on litigation	
6/23/14	Nussbaum	2.5	2.5	\$610	\$1,525.00	Continue preparation of webinar slides to report on litigation; webinar rehearsal	

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6/24/14	Nussbaum	5.3	1.3	\$610	\$793.00	Review multiple entries of appearance in the 10th Circuit case; review email from Mr. E. Kniffin re acceptance of members that are parties in other lawsuits and implications of various scenarios; email to Archbishop Lori and Ms. N. Matthews to provide notice of same; email to Messrs. E. Kniffin and I. Speir re same and re timing of filing of Ms. N. Matthews' supplemental affidavit; attention to issues related to new members joining and motion to amend preliminary injunction; conference with Mr. E. Kniffin related to whether an employer active in another lawsuit can join the CBA so long as the other lawsuit has not reached any decision on the merits; email to webinar team re report on litigation and related issues during prospective member webinar; email to webinar team re litigation and related issues for CBA member webinar	
7/2/14	Kniffin	7.5	1.8	\$440	\$792.00	Meet with Mr. Nussbaum to discuss next steps for CBA litigation and marketing; edit CBA documents and preparing updates for CBA and Becket Fund websites in light of CBA II TRO; draft motion to convert motion for TRO into motion for PI in CBA II ; examine Mandate cases to count Catholic employers winning relief on the merits	
7/7/14	Kniffin	4.3	0.6	\$440	\$264.00	Legal research and brainstorming on potential less restrictive alternative arguments after Hobby Lobby and Wheaton College decisions; correspondence with Messrs. M. Nussbaum, W. Mahaffey, and I. Speir regarding impact of Hobby Lobby on non-profit Mandate litigation and reassessing Establishment Clause arguments; correspondence with The Becket Fund regarding updating website information regarding CBA lawsuits; drafting updates to CBA website and submitting updates to [Redacted] and [Redacted]	
8/15/14	Kniffin	3.0	0.4	\$440	\$176.00	Review commentary on projected new accommodation; draft common interest privilege memorandum between LRR and Becket Fund; correspondence with Becket Fund attorneys regarding CBA seminar; review powerpoint presentation from 8-13-14 CBA webinar for privilege	

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Date	Name	Ds' Est. Time	Actual Time	Lodestar Rate	Fees at Lodestar Rate	Description	Notes
9/24/14	Nussbaum	6.3	0.4	\$610	\$244.00	Review email from Mr. B. Humphreys agreeing to draft unopposed motion; conference with Messrs. I. Speir and E. Kniffin re government's concession, re membership meeting, and re briefing and argument; file unopposed motion and order; review Judge Russell's order granting the motion re procedure and entering the modified temporary restraining order; voice mail message to Ms. N. Matthews; voice mail message to Archbishop Lori; voice mail message to Ms. B. [Redacted]; email to Mr. E. Baxter and [Redacted] University counsel re Judge Russell's decision; email to [Redacted] re updating website with information related to Judge Russell's decision; email to board advising them of the developments with Judge Russell in the CBA II case; exchange email messages with Mr. Picarello re Judge Russell's decision and implications of same	
10/9/14	Kniffin	0.4	0.2	\$440	\$88.00	Review of materials from CBA webinar; correspondence with Ms. N. Matthews regarding inquiry from CBA member Catholic Charities [Redacted]	
12/3/14	Nussbaum	3.8	0.5	\$610	\$305.00	Phone conference with Mr. B. Humphreys at Department of Justice re the proposed uncontested motion to clarify the preliminary injunction order in CBA I; revise order accordingly; research issue re language; conference, respectively, with Messrs. W. Mahaffey and I. Speir to confirm acceptability of proposed language; file motion and proposed order; draft correspondence to [Redacted] re revision of website to add additional pleadings and to clean up the text for them; review order from Judge Russell clarifying the preliminary injunction in CBA I; conference with Mr. E. Kniffin re same; begin preparation of master outline of all arguments and responses as part of the preparation for the Little Sisters moot court argument.	
12/29/14	Nussbaum	4.4	0.5	\$610	\$305.00	Review decision from Judge Russell granting preliminary injunction; voice mail messages, respectively, to Archbishop Lori, Ms. N. Matthews, and [Redacted]; email to [Redacted] re posting preliminary injunction order; draft letter to officers and directors re the decision of Judge Russell; email messages to [Redacted] and S. Caine re possible press release; reply to their responses; phone conference with Archbishop Lori re Judge Russell's preliminary injunction; phone conference with [Redacted] re press release; email to [Redacted] re changes on the website re fees and litigation results.	

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Date	Name	Ds' Est. Time	Actual Time	Lodestar Rate	Fees at Lodestar Rate	Description	Notes
8/24/15	Nussbaum	3.3	0.2	\$610	\$122.00	Final revisions of amicus brief; file same; report to officers and board re same; email to [Redacted] re posting same on website; multiple conferences with team in completing the brief.	
3/30/16	Nussbaum	5.6	0.4	\$610	\$244.00	Phone conference with Archbishop Lori re proposed less restrictive alternative and re forwarding memorandum to ethics committee; phone conference with Mr. D. Wilson re webinar and re communication with ethics committee; revise memo re least restrictive means alternative for sending to the ethics committee; email to ethics committee re same; prepare separate memoranda for Messrs. M. Rienzi and A. Picarello re proposed less restrictive alternative.	
4/18/16	Kniffin	2.4	1.2	\$440	\$528.00	Review and edit op-ed on "seamlessness;" phone call and email to [Redacted] with revised piece; meeting with Mr. M. Nussbaum regarding upcoming CBA member webinar; emails with Messrs. Nussbaum and D. Wilson regarding same; preparing for webinar	
4/19/16	Kniffin	1.2	0.9	\$440	\$396.00	Review Supreme Court supplemental briefing in preparation for webinar; review email from Mr. M. Nussbaum regarding potential new CBA member	
4/20/16	Kniffin	3.5	2.6	\$440	\$1,144.00	Review Supreme Court supplemental reply briefs in preparation for webinar; notes regarding same; email Messrs M. Nussbaum and I. Speir regarding same; prepare notice of new CBA members; communications with Ms. N. Matthews regarding same	
4/23/16	Kniffin	0.1	0.1	\$440	\$44.00	Correspondence with Mr. M. Nussbaum regarding Monday's litigation update webinar	
4/25/16	Nussbaum	5.0	4.2	\$610	\$2,562.00	Final preparation of slides and presentation for litigation report to members; representation during webinar reporting on litigation; conference call with Mr. D. Wilson and Ms. N. Matthews re same; additional meeting with Mr. Wilson re same; email to [Redacted] [Redacted], HR director of Diocese of [Redacted]; email to [Redacted], attorney for Diocese [Redacted], providing copies and comments re litigation documents.	
4/25/16	Kniffin	4.5	4.5	\$440	\$1,980.00	Prepare for and participate in CBA membership webinar regarding status of CBA litigation and related Supreme Court litigation	
4/26/16	Nussbaum	2.5	2.5	\$610	\$1,525.00	Preparation for and presentation during members only webinar re litigation update and plans.	

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5/17/16	Nussbaum	4.0	2.0	\$610	\$1,220.00	Closely review the Supreme Court order vacating the decisions in four U.S. Courts of Appeals and remanding the Little Sisters other cases to the Circuit Courts; review commentaries re same; phone conference with Messrs. B. Baird, D. Wilson, E. Kniffin and Ms. N. Matthews re same and re presentation of webinar.	
5/17/16	Kniffin	2.2	2.2	\$440	\$968.00	Conference call with CBA leadership regarding Supreme Court order and upcoming CBA member webinar; review Mr. D. Wilson's email regarding same; notes regarding same	
5/18/16	Kniffin	1.9	0.3	\$440	\$132.00	Prepare for next week CBA member update webinars; correspond with Ms. A. Lappas and Mr. D. Wilson regarding same; email and phone correspondence with Mr. M. Rienzi of Becket Fund regarding strategy in light of Supreme Court order	
5/19/16	Kniffin	0.3	0.3	\$440	\$132.00	Communicate with Mr. D. Wilson, Ms. A. Lappas, and Ms. L. Miller regarding upcoming CBA member update webinars; [Redacted]	
5/24/16	Kniffin	4.2	4.2	\$440	\$1,848.00	Prepare for CBA member litigation update webinar; lead webinar; follow-up conversation with Mr. D. Wilson; phone call with Mr. M. Nussbaum regarding webinar and new ACA regulation	
5/25/16	Kniffin	2.1	2.1	\$440	\$924.00	Prepare for and present CBA member webinar with update on litigation in light of Supreme Court order; follow-up conversation with Mr. D. Wilson	
8/30/16	Kniffin	2.9	1.9	\$440	\$836.00	Review Mr. W. Mahaffey's revisions to proposed model letters from CBA members to insurers and TPAs; communication with Mr. I. Speir regarding CBA communication to members; develop chart listing orders granting injunctive relief in CBA case; meeting with Mr. M. Nussbaum regarding CBA communications to members and need to edit CBA website page on CBA website; review CBA website and develop list of proposed edits; forward list of proposed list to Mr. M. Nussbaum for review	
10/13/16	Kniffin	1.9	1.9	\$440	\$836.00	Review and summarize CBA webinars and other significant documents for CBA website	
11/2/16	Speir	0.5	0.1	\$420	\$42.00	Draft motion to dismiss appeal in No. 16-6313 and correspond with Messrs. M. Nussbaum and E. Kniffin re same; review draft entries of appearance and confer with Ms. A. Martinez re same (0.4); Confer with Mr. M. Nussbaum re modifications to CBA website (HHS Lawsuit section) (0.1)	

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11/18/16	Speir	1.2	0.7	\$420	\$294.00	Review government's response to motion to dismiss in appeal No. 16-6313 and 10th Circuit's order placing appeal in abeyance; review Mr. E. Kniffin's analysis of religious liberty issues impacting the CBA under new presidential administration (0.5); Review CBA webpage on lawsuits and draft email for Mr. M. Nussbaum re necessary changes to same (0.7)	
4/24/17	Nussbaum	4.5	4.5	\$610	\$2,745.00	Preparation for webinar; draft and revise slides; research background for same; confer with E. Kniffin and I. Speir re things to report to members.	
4/25/17	Nussbaum	5.3	2.2	\$610	\$1,342.00	Final preparation for webinar for members reporting on CASC lawsuit and related matters; phone conversation and presentation during webinar; phone conference with D. Wilson re tasks after the webinar; review email from N. Matthews re article suggesting Trump administration has changed its position on the CASC litigation; review article and Washington Post account; conference with E. Kniffin re same; phone conference with D. Wilson re preparing alert for members; conference with E. Kniffin re preparing an alert.	
4/25/17	Kniffin	4.0	0.8	\$440	\$352.00	Meeting with M. Nussbaum to discuss CBA webinar, member questions, and related issues; review and respond to member questions arising out of webinar; review news articles related to developments in Fifth Circuit CASC Mandate litigation; review docket in Fifth Circuit CASC Mandate case; email and phone conversations with Becket attorneys regarding same; conversation with M. Nussbaum regarding Fifth Circuit case and related media; draft proposed CBA member update related to same; [Redacted]	
4/26/17	Nussbaum	3.0	1.2	\$610	\$732.00	Preparation for webinar reporting on litigation and other issues to members; presentation during webinar; review draft notice to members re misleading press reports re litigation; review draft notice prepared by Professor Alvare; conference call with Messrs. Wilson and Kniffin re same; phone conference with [Redacted] re public communications issues related to the administration resolving the CASC cases; phone conversation with D. Wilson re same.	
5/9/17	Nussbaum	2.0	2.0	\$610	\$1,220.00	Preparation for members webinar, reporting on president's religious freedom executive order and implications for CASC litigation.	

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6/2/17	Nussbaum	4.5	2.5	\$610	\$1,525.00	Review memorandum from E. Karam's office re the leaked regulation; review Archbishop Lori's statement; draft notice of webinar; forward same to D. Wilson; review and revise draft letter to CBA members re "leaked" regulation providing exemption to the CASC mandate; revise same; forward draft of same to D. Wilson; phone conference with D. Wilson re same; revise further and forward final letter to D. Wilson; continue review and outline of "leaked" regulation in preparation for webinar.	
6/5/17	Nussbaum	5.8	2.9	\$610	\$1,769.00	Closely review and outline new regulation; prepare for webinar.	Counsel would have reviewed the leaked version of the October 6, 2017, IFR regardless of whether counsel planned to summarize the draft IFR for clients
6/6/17	Nussbaum	7.3	5.3	\$610	\$3,233.00	Continue review of regulation and preparation of slides and presentation for webinar re the leaked regulation; phone conference with D. Wilson re same;	Counsel would have reviewed the leaked version of the October 6, 2017, IFR regardless of whether counsel planned to summarize the draft IFR for clients
6/7/17	Nussbaum	2.5	2.5	\$610	\$1,525.00	Final preparation for webinar and revision of slides; presentation of webinar re the leaked regulation;	
6/12/17	Nussbaum	2.3	2.3	\$610	\$1,403.00	Prepare for webinar; presentation during webinar re "leaked" regulation.	
8/5/17	Kniffin	2.6	2.4	\$440	\$1,056.00	Meeting with M. Nussbaum regarding media strategy and CBA website edits; review CBA website; prepare list of proposed edits and additions to CBA website; email to D. Wilson with proposed edits and additional documents to be uploaded onto or linked to CBA website	
8/23/17	Kniffin	3.8	0.6	\$440	\$264.00	Strategy conversations with M. Nussbaum; conversation with M. Nussbaum regarding proposed edits to CBA website; forward email to M. Nussbaum regarding same; draft proposed new recitals to add to draft settlement with DOJ; forward same to M. Nussbaum for review; email communications with M. Rienzi related to settlement negotiations; review The Hill article citing CBA and Becket efforts to end mandate fight; related email communications with [Redacted] and [Redacted] regarding same	
9/18/17	Kniffin	3.7	1.3	\$440	\$572.00	Review Jason Coon email; prepare and forward suggestions for website changes; review DOJ response to CBA proposed settlement; notes regarding same; conversation with M. Nussbaum regarding same	

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10/6/17	Nussbaum	8.8	1.1	\$610	\$671.00	Conference call with A. Picarello and his colleagues, L. DeJulius and his colleagues, and M. Rienzi and his colleagues re breakdown of settlement negotiations and imminent issuance of interim final rule ("IFR"); phone conference with Archbishop Lori re same; phone conference with Doug Wilson re same and re communications with members including webinar; draft press release; communications re same; attend to webinar issues; begin review of IFR; conference with E. Kniffin re same; second conference call with same group as before to discuss today's communications with DOJ; review reports re second IFR, issuance of RFRA interpretive guidelines, and various press reports; review White House statements; discuss with E. Kniffin DOJ's request for dismissal of appeal; phone conference with Joshua Salzman at DOJ re same; review DOJ's draft motion to dismiss; second phone conference with J. Salzman; draft motion for additional time to respond to motion to dismiss; prepare several written reports to CBA officers re developments during day.	
10/8/17	Nussbaum	2.5	2.5	\$610	\$1,525.00	Prepare slides for webinar.	
10/9/17	Nussbaum	2.8	2.4	\$610	\$1,464.00	Prepare for webinar entitled "Seven Cheers and Two Groans;" conference with D. Wilson; presentation during webinar; further conference with D. Wilson; conference call with board of directors for Catholic Employees Benefit Group.	
10/11/17	Nussbaum	1.5	1.5	\$610	\$915.00	Present webinar for members re settlement issues and re IFR and other administration pronouncements; attention to emails.	
11/28/17	Nussbaum	2.0	1.0	\$610	\$610.00	Phone conference with D. Wilson re status of litigation and need to prepare report for members; attention to member webinar issues.	
11/29/17	Nussbaum	4.0	2.0	\$610	\$1,220.00	Attention to scheduling D.C. meeting with First Counselor to Department of Justice; numerous calls and emails re same; preparation for webinar.	
11/29/17	Kniffin	6.3	1.5	\$440	\$660.00	[Redacted]; prepare summary of IFR lawsuits and send to M. Nussbaum for use with CBA webinars; draft reply brief in support of CBA permanent injunction	
11/30/17	Nussbaum	1.3	1.3	\$610	\$793.00	Final revision of powerpoint slides; present webinar reporting to members on status of case and settlement discussions.	
12/1/17	Nussbaum	1.0	1.0	\$610	\$610.00	Present webinar re case developments.	
TOTALS:		176.3	87.4		\$48,584.00		